



State of Utah

Department of Natural Resources

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Executive Director

Division of Oil, Gas & Mining

MARY ANN WRIGHT
Acting Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

March 29, 2005

Russell Witt
Witt Excavating
1245 South 1200 West
Heber, Utah 84032

Subject: Acceptance of Notice of Intention to Commence Small Mining Operations and Formal Approval of Form and Amount of Reclamation Surety, Witt Excavating, Witt Sandstone Quarry, S/051/006, Wasatch County, Utah

Dear Mr. Witt:

Thank you for your Notice of Intention to Commence Small Mining Operations and initial \$150.00 permit application fee, received by the Division on February 9, 2005. The proposed Witt Sandstone Quarry is located in the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 33, Township 3 South, Range 5 East, SLBM, in Wasatch County, Utah.

The Division finds your application complete and no additional information is required by this office at this time. On March 29, 2005, the Director of the Division of Oil, Gas and Mining formally approved the form and amount of reclamation surety for the Witt Sandstone Quarry. The reclamation surety in the amount of \$5,000.00 is in the form of a Certificate of Deposit issued by Wells Fargo Bank. Copies of the fully signed and executed documents are enclosed for your records.

The Division hereby grants its final acceptance of your small mining notice of intention and the reclamation surety for the Witt Sandstone Quarry. You may commence with your mining operations as outlined. Unlike large mining operations where the surety is escalated five years into the future, the surety for small mining operations will be reviewed periodically to assure that the bond remains adequate.

Before we could grant acceptance of the notice, we were required to forward a copy of your notice to the Utah Division of State History to assure that

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no historical or archaeological properties were in the area of the proposed operation. We have now received their notification of No Potential to Effect Cultural Resources for this operation. Please be advised, however, that if you do encounter any archaeological or historical concerns, you are to immediately cease operations and notify this office and State History of your find.

In accordance with the requirements of Rule R647-3-105, regarding the project location and disturbed area identification on a topographic map, *the Division requests that the operator mark the proposed/actual disturbed area boundary (including access/haul roads) in the field with metal T-Posts (or other suitable, fixed markers) to assure that operations do not exceed the one acre limitation of this permit.* Markers must be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

The acceptance of this notice and surety is for a small mining operation only, **not to exceed one (1) acre**. You are not authorized to disturb beyond the one acre without first amending your notice, adjusting the bond amount and receiving written acceptance from this office. If you wish to expand to a large mine status (greater than five acres), approval typically takes up to six to twelve months or longer.

Although, we find the Notice of Intention adequately addresses the rules for a Small Mining Operation, you have requested a variance to the operation and reclamation practices # 11. While the Division does not 'approve' Notices but only formally 'accepts' Notices for small mining operations, variances must be approved. In consideration of the requested variance to leave the existing highwall steeper than 45 degrees, the Division has considered the fact that sandstone cliffs exist in the adjacent areas and were likely on the project area prior to mining. During the inspection of the site, it did not appear that there has been recent mining activity involving the highwall, and that it appeared to be stable. We have also considered the landowners written request to have this feature remain after mining to enhance value of his property for potential developers. Therefore, the Division hereby **approves** the requested variance to leave the existing highwall at an angle steeper than 45 degrees.

The letter from the landowner also requested that the area not be seeded. Since this quarry was first disturbed prior to the Utah Mined Land Reclamation Act, and topsoil was not required to be salvaged at that time. Your current plan is to only work within the current disturbed area footprint. Therefore, the Division

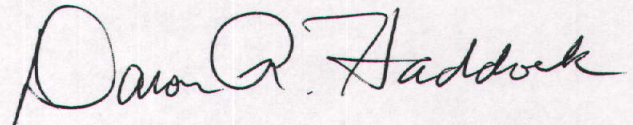
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will not require you to 'borrow' or obtain topsoil from another location. However, we do expect that fines or other soil materials that remain after mining be regraded and seeded with appropriate species that will benefit the post mining land use. Please note, that areas of rock outcrop do not need to be seeded.

For your reference, I have enclosed copies of our summarized rules regarding Operation and Reclamation Practices, and the statutory penalty for failure to reclaim a minesite (SMO-summary). Please give special consideration to item #10 of the "Operation and Reclamation Practices." Stockpiling topsoil material prior to beginning your mining operation will help ensure successful revegetation efforts upon final reclamation of the minesite. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts, and future regulatory release from reclamation requirements.

If you have questions or concerns regarding this letter, please contact me at (801) 538-5325 or Lynn Kunzler at 538-5310. Best wishes with your new mining venture.

Sincerely,



Daron R. Haddock
Permit Supervisor
Minerals Regulatory Program

DRH:lkjb
Attachment: SMO summary
Enclosure: Copy of RC & surety forms
cc: Ben McNaughtan, Landowner
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